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In re Application of :
Doran et al. :
Application No. 09/083,966 :
Filed: May 26, 1998 :
Attorney Docket No. 604-445 :
For: Dispersion Management System for Soliton :
Optical Transmission System :

Technology Center 2600

ON PETITION

This is a decision on the petition filed August 16, 2000, which is being treated as a petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment of the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 2, 1998, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 3, 1998.

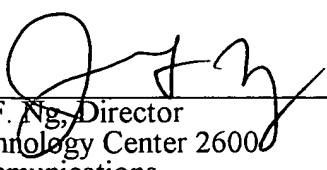
Petitioner asserts that a CPA and a three month extension of time fee were in fact timely filed. In support of the petition, petitioner has submitted a date-stamped postcard receipt indicating that the CPA and extension fee were received on March 2, 1999. A copy of the CPA accompanies the petition.

The original CPA filed was not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the CPA was timely filed in the Patent and Trademark Office but not matched with the application file.

Therefore, the petition is **granted**.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The CPA filed on March 2, 1999, will be entered, along with the preliminary amendment filed on August 15, 2000, and will be considered by the examiner in due course.


Jin F. Ng, Director
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Communications